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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/390,241	09/03/1999	VENKAT V. EASWAR	1552-12-2	6580
20575	7590	04/06/2006	EXAMINER	
MARGER JOHNSON & MCCOLLOM, P.C. 210 SW MORRISON STREET, SUITE 400 PORTLAND, OR 97204			LE, VU	
			ART UNIT	PAPER NUMBER
			2621	

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/390,241	Applicant(s) EASWAR ET AL.	
	Examiner Vu Le	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,38-41 and 65-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,38-41 and 65-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 23, 2006 has been entered.

Response to Arguments

2. Applicant's arguments filed February 23, 2006 have been fully considered but they are not persuasive.

With respect to independent claims 1 and 38, applicant asserts that the Florencio patent discloses the logo being inserted in the decoded video. The logo is not included with the bitstream generated by the encoder (remarks, p. 16). Although applicant's argument is understood, the examiner respectfully disagrees.

First, there is no distinction between an overlay frame and the second region of an encoded image as claimed. In fact, both mean the same thing because the second region of the image is the overlay region, and it is defined in applicant's specification as an overlay frame (see specification, p. 19, line 1-11 and fig. 8).

Second, Florencio at col. 3, line 14-57 makes abundantly clear that the logo is inserted in the compressed i.e., encoded bitstream (emphasis added). The logo-

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inserted data is encoded data that can be independent of the encoded data in the original compressed bitstream or can be blended at the "transformed" level (i.e., compressed/encoded level). Hence, the compressed bistream includes both the "first" region and the "second" region (i.e., the overlay frame as claimed). Therefore, Florencio teaches both.

Applicant asserts that Florencio does not disclose the recited "overlay command" (remarks, p. 16). Although applicant's argument is understood, the examiner respectfully disagrees.

Applicant acknowledges in the remarks that Florencio "allows local broadcasters to insert logos" into disposable frames of a video signal (remarks, p. 15). Hence, an overlay command would have been the broadcaster's command to insert the logo(s). Therefore, the overlay command is inherent.

3. Claims 6-37 and 42-64 have been canceled.
4. Claims 65-69 have been added.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent; or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, *except* that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English.

6. Claims 1-5 and 38-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Florencio et al, US 6,226,041.

Re claims 1 and 38, Florencio et al discloses a video processing circuit and method (figs. 1-2) comprising:

a processor (104) operable to:

receive a signal including an overlay frame (108, 202, col. 2, line 20-23, col. 3, line 26-40) and an encoded image having first and second regions (204, col. 3, line 30-40, i.e. the identified blocks/macroblocks of the image display for logo insertion constitute a "first" region, and the remaining blocks/macroblocks constitute a "second" region);

decode the first region of the image and the overlay frame (col. 4, line 20-24, i.e. partial decoding of the bitstream that is affected by logo insertion);

modified the decoded first region to include the decoded overlay frame (i.e. replacing identified blocks/macroblocks with logo, col. 3, line 26-40); and

re-encode the modified first region (110, col. 1, line 35-42, col. 4, line 44-50).

Re claims 2 and 39, "wherein the processor is operable to combine the encoded second region of the image and the re-encoded first region of the image to generate an encoded modified image" (fig. 1, i.e. output of 110).

Re claims (3 & 40) and (4 & 41) respectively, wherein the processor is operable to decode the first region into a transform/pixel domain, and modify the decoded first region in the transform/pixel domain (col. 3, line 50-52).

Re claim 5, "wherein the first region has dimensions and a location within the image, and the processor is operable to receive the dimensions and location of the first region" (col. 3, line 31-33).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 65-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florencio.

Re claims 65, 66 and 68, Florencio is silent with respect to "storing" via a "buffer" the re-encoded modified first and second regions as claimed. However, storing is a post solution activity that is notoriously well known in the art (Official Notice) and would have been obvious in the Florencio patent because it discloses MPEG coding standard

(col. 3, line 14), which is well known and obvious to one skilled in the art to allow incorporation of storing of encoded/decoded data for various post solution activities.

Re claim 67, which further recites decoding the first region and the overlay frame by identifying motion vectors, Florencio teaches this aspect (see col. 4, line 13-24). In this citation, when the logo-inserted data is not intra-encoded, then inter-encoded is implied, which necessitate identifying motion vectors as consistent with MPEG coding standard (Official Notice).

Re claim 69, Florencio is silent with respect to re-encoding the modified first region responsive to rate controlling as claimed. However, Florencio implies this aspect with the desirability of avoiding full decoding and re-encoding (see Summary of the Invention). Furthermore, MPEG coding standard would have allowed rate control technique(s) and hence, would have been obvious to incorporate in the Florencio patent because it discloses MPEG coding, and would have been beneficial for real-time channel surfing (Official Notice).

Contact

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vu Le whose telephone number is (571) 272-7332. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, James Groody, can be reached on (571) 272-7950. Customer Service can

be reached at (571) 272-2600. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to be 'Vu Le', written over the printed name and contact information.